

JIM IRVIN  
COMMISSIONER - CI  
RENE D. JENNIN  
COMMISSIONER  
CARL J. KUNASEK  
COMMISSIONER



OPEN MEETING ITEM

JACK ROSE  
EXECUTIVE SECRETARY

4-12

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ARIZONA CORPORATION COMMISSION

RECEIVED  
AZ CORP COMMISSION

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AUG 20 4 06 PM '98

DATE: AUGUST 20, 1998

DOCKET NO.: T-03607A-98-0441

DOCKET CONTROL

TO ALL PARTIES:

Enclosed please find the recommendation of Hearing Officer Barbara M. Behun. The recommendation has been filed in the form of an Order on:

WESTERN STATES PETROLEUM, INC.  
(CC&N COPT)

Pursuant to A.A.C. R14-3-110(B), you may file exceptions to the recommendation of the Hearing Officer by filing an original and ten (10) copies of the exceptions with the Commission's Docket Control at the address listed below by 4:00 p.m. on or before:

AUGUST 31, 1998

The enclosed is NOT an order of the Commission, but a recommendation of the Hearing Officer to the Commissioners. Consideration of this matter has tentatively been scheduled for the Commission's Working Session and Open Meeting to be held on:

SEPTEMBER 15, 1998 and SEPTEMBER 16, 1998

For more information, you may contact Docket Control at (602)542-3477 or the Hearing Division at (602)542-4250.

Arizona Corporation Commission

DOCKETED

AUG 20 1998

*Jack Rose*  
JACK ROSE  
EXECUTIVE SECRETARY

DOCKETED BY

*sd*

BEFORE THE ARIZONA CORPORATION COMMISSION

JIM IRVIN  
COMMISSIONER - CHAIRMAN  
RENEZ D. JENNINGS  
COMMISSIONER  
CARL J. KUNASEK  
COMMISSIONER

IN THE MATTER OF THE APPLICATION OF  
WESTERN STATES PETROLEUM, INC. FOR A  
CERTIFICATE OF CONVENIENCE AND  
NECESSITY TO PROVIDE CUSTOMER-OWNED  
PAY TELEPHONE SERVICE IN THE STATE OF  
ARIZONA.

DOCKET NO. T-03607A-98-0441

DECISION NO. \_\_\_\_\_

**ORDER**

Open Meeting  
September 15 and 16, 1998  
Phoenix, Arizona

**BY THE COMMISSION:**

Having considered the entire record herein and being fully advised in the premises, the Arizona Corporation Commission ("Commission") finds, concludes, and orders that:

**FINDINGS OF FACT**

1. On August 5, 1998, Western States Petroleum, Inc. ("Applicant") filed with the Commission an application for a Certificate of Convenience and Necessity ("Certificate") to provide Customer-Owned Pay Telephone ("COPT") Service in the State of Arizona.
2. In Decision No. 55817 (December 10, 1987) the Commission found that COPT providers were public service corporations subject to the jurisdiction of the Commission.
3. The Commission in Decision No. 57797 (April 8, 1992) adopted A.A.C. R14-2-901 through R14-2-909 to regulate COPT providers.
4. In Decision No. 58535 (February 14, 1994) the Commission adopted a Generic Tariff which establishes rates and minimum service standards applicable to COPT service.
5. Pursuant to A.R.S. §40-282, the Commission may issue Decisions regarding COPT Certificates without a hearing.
6. Applicant has requested that a Certificate be granted pursuant to A.A.C. R14-2-905, and has indicated that it will provide COPT service pursuant to the rates, terms and conditions specified in the Generic COPT Tariff.

7. Applicant is an Arizona corporation.
8. Applicant does not presently provide COPT service in Arizona.
9. Applicant plans to provide end-users with 0+, 1+, local, calling card, long distance service, and operator assisted calls. A minimum of a three minute time limit will be allowed on local calls.
10. Applicant has not submitted a sample customer information posting for the review of the Commission's Utilities Division Staff ("Staff").
11. On August 18, 1998, Staff filed a Staff Recommendation, recommending approval of Applicant's application without a hearing.
12. Staff further recommended that Applicant be ordered to file a copy of its customer information posting with Staff for approval prior to it providing service at any locations.

**CONCLUSIONS OF LAW**

1. Applicant is a public service corporation within the meaning of Article XV of the Arizona Constitution and A.R.S. §§ 40-281 and 40-282.
2. The Commission has jurisdiction over Applicant and the subject matter of the application.
3. Notice of the application was given in accordance with the law.
4. The provision of COPT service in Arizona by Applicant is in the public interest.
5. Applicant is a fit and proper entity to receive a Certificate for providing COPT service in Arizona.

**ORDER**

IT IS THEREFORE ORDERED that the application of Western States Petroleum, Inc. for a Certificate of Convenience and Necessity for authority to provide customer-owned pay telephone service in Arizona shall be, and the same is, hereby granted, conditioned upon Applicant filing a customer information posting approved by the Director of the Utilities Division for compliance with the requirements of the Generic COPT Tariff within sixty days of the effective date of this Decision.

IT IS FURTHER ORDERED that if Applicant fails to timely file an approved customer information posting, the application shall be denied without further Order of this Commission, and Staff shall notify the local exchange company that provides public access line service to Applicant's pay telephones, if any, pursuant to A.A.C. R14-2-903.C, so that any public access lines held by Applicant

are disconnected.

IT IS FURTHER ORDERED that Western States Petroleum, Inc. shall comply with Staff's recommendation in Findings of Fact No. 12.

IT IS FURTHER ORDERED that Western States Petroleum, Inc. shall comply with the terms of the Generic COPT Tariff, unless otherwise ordered by the Commission, pursuant to A.A.C. R14-2-906.

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

COMMISSIONER - CHAIRMAN

COMMISSIONER

COMMISSIONER

IN WITNESS WHEREOF, I, JACK ROSE, Executive Secretary of the Arizona Corporation Commission, have hereunto set my hand and caused the official seal of the Commission to be affixed at the Capitol, in the City of Phoenix, this \_\_\_\_\_ day of \_\_\_\_\_, 1998.

JACK ROSE  
EXECUTIVE SECRETARY

DISSENT  
BMB:bbs

1 SERVICE LIST FOR:

WESTERN STATES PETROLEUM, INC.

2 DOCKET NO.:

T-03607A-98-0441

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David Kec

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